

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed September 14, 2010 in the above-identified patent application.

New claims 15 and 16 are added. Therefore, claims 1-16 are the claims currently pending in the present application.

Claims 4, 5 and 7 are amended to clarify features recited thereby. These amendments are fully supported by Applicant's disclosure.

Rejection of Claims 4-7 under 35 U.S.C. § 112, Second Paragraph

Claims 4-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the ground that in claim 4, line 3 "the vertical branch of each element" lacks sufficient antecedent basis, that in claim 5, line 2 the recitation "a the" is awkward, and that in claim 7 the recitation "independent branch operable to seal a hull opening lockable on said hull" is awkward and confusing.

Claims 4, 5 and 7 are amended.

Rejection of Claims 1-4, 7 and 12 under 35 U.S.C. § 102

Claims 1-4, 7 and 12 are rejected under 35 U.S.C. § 102 as being anticipated by Thomas, WO 2003/080425. Reconsideration of this rejection is respectfully requested.

Claim 1 requires a structure for decommissioning and transporting an offshore fixed oil production platform, the structure comprising a shuttle positionable along the lifting legs and configured to move one of the deck and the at least one supporting column of the production platform, the shuttle comprising elements, each element provided for a respective lifting leg of the lifting legs, each element comprising a mechanical drive positioned on the associated lifting leg and configured to drive the respective element independently of remaining elements of the shuttle on the other legs, and the elements further comprising a connecting apparatus configured to connect with the deck or the at least one supporting column of the production platform, wherein each element of the shuttle on each leg is separated from and free of direct physical contact with any other of the elements of the shuttle on another leg.

Thomas '425 discloses a structure for transport, installation and dismantlement of a bridge of a fixed oil platform, the structure including lifting legs, each lifting leg associated with a mechanical displacement means 20 and a shuttle 30 which is displaceable along the lifting leg by the hull (Thomas '425, Abstract). Thomas '425 does not disclose or suggest that each

element is configured to drive the respective element independently of remaining elements of the shuttle on the other legs, wherein each element of the shuttle on each leg is separated from and free of direct physical contact with any other of the element of the shuttle on another leg, as required by claim 1. That is, Thomas '425 does not disclose or suggest that each element is configured to be driven independently of remaining elements of the shuttle on the other legs, as required by claim 1.

Claims 2-4, 7 and 12 depend from claim 1, and are therefore patentably distinguishable over the cited art for at least the same reasons.

Additional Point of Distinction with Respect to New Claim 15

New claim 15 requires that each element is configured to be positioned along the respective leg independently of a position of any other element of the shuttle.

Thomas '425 is silent as to such features and therefore new claim 15 is patentably distinguishable over the cited art for at least this additional reason.

Rejection of Claims 1, 3, 7 and 12 under 35 U.S.C. § 103

Claims 1, 3, 7 and 12 are rejected under 35 U.S.C. § 103 as being obvious from Thomas, U.S. Patent No. 5,224,798 in view of Bulkley et al., U.S. Patent No. 2,308,743, or Evans, U.S. Patent No. 4,456,404. Reconsideration of this rejection is respectfully requested.

Claim 1 requires a structure for decommissioning and transporting an offshore fixed oil production platform, the structure comprising a shuttle positionable along the lifting legs and configured to move one of the deck and the at least one supporting column of the production platform, the shuttle comprising elements, each element provided for a respective lifting leg of the lifting legs, each element comprising a mechanical drive positioned on the associated lifting leg and configured to drive the respective element independently of remaining elements of the shuttle on the other legs, and the elements further comprising a connecting apparatus configured to connect with the deck or the at least one supporting column of the production platform, wherein each element of the shuttle on each leg is separated from and free of direct physical contact with any other of the elements of the shuttle on another leg.

Thomas '798 discloses an overloading device for a jack-up oil platform in which a platform comprises a hull mounted on legs such that it can be moved relative to the legs by jack

mechanisms, and the hull is provided with a first device for applying an overload on the leg through jack mechanisms (Thomas '798, Abstract). Thomas '798 discloses a device for overloading a jack-up oil platform including additional devices that comprise a removable reservoir 11. Thomas '798 teaches that, the hull 1 is jacked up by jack mechanisms 5 with respect to the level of the sea (Thomas '798, Fig. 4C) and the reservoirs 11 are locked to the legs to by the connecting means 15. The hull 1 is then lowered to the preceding level which puts it out of reach of the highest waves at the time of installation, and the reservoirs 11 are locked to legs at a higher level (as illustrated in Thomas '798, Fig. 4d). Subsequently, chambers 10 that are integrated with the hull 1 are filled with seawater, and this results in the application of a first overload on the leg 2 so that foot 4 sinks into the seabed to a degree depending on the composition of the seabed. Thomas '798 discloses that simultaneously with or following the filling of the chambers 10, the reservoirs 11 are also filled with seawater with the filling means 12 of pipes 14, and this filling of the reservoirs 11 has the effect that additional overload is provided on each leg 2 so that foot 4 can sink still deeper into the seabed 3.

Thomas '798 does not disclose or suggest that the reservoirs 11 support the deck, as alleged in the Office Action. Moreover, Thomas does not relate to a structure for transporting, installing or dismantling a fixed oil platform, as recited in claim 1.

Further, Thomas does not disclose or suggest a structure that includes a shuttle positionable along the lifting legs and the shuttle comprising elements, each element provided for a respective lifting leg of the lifting legs, each element comprising a mechanical drive so as to drive the respective element independently of remaining elements of the shuttle on the other legs, as required by claim 1. In addition, Thomas '798 does not disclose or suggest that each element of the shuttle on each leg is separated from and free of direct physical contact with any other elements of the shuttle on another leg, as further required by claim 1.

Bulkley and Evans do not cure the above-discussed deficiencies of Thomas '798 as they relate to the above-noted features of claim 1. Further, the Office Action does not allege that Bulkley or Evans discloses or suggests such features. Accordingly, even taken together in combination, Thomas, Bulkley and Evans do not disclose or suggest the recitations of claim 1.

Claims 3, 7 and 12 depend from claim 1, and are therefore patentably distinguishable over the cited art for at least the same reasons.

Additional Point of Distinction with Respect to New Claim 15

New claim 15 requires that each element is configured to be positioned along the respective leg independently of a position of any other element of the shuttle.

Thomas '798 is silent as to such features and therefore new claim 15 is patentably distinguishable over the cited art for at least this additional reason.

Rejection of Claims 8 and 9 under 35 U.S.C. § 103

Claims 8 and 9 are rejected under 35 U.S.C. § 103 as being obvious over Thomas '425. Reconsideration of this rejection is respectfully requested.

Claim 8 requires a method of decommissioning, and transporting a framework element of a fixed oil platform formed of a deck, the method comprising positioning beneath the deck a transport structure comprising a shuttle including at least three elements, each element of the at least three elements provided for one of the at least three lifting legs and positionable independently of remaining elements of the at least three elements along a respective leg of the at least three legs.

The Office Action acknowledges (Office Action, page 4) that Thomas '425 does not disclose positioning the element independently. However, the Office Action alleges that it would have been obvious to a person of ordinary skill to modify Thomas '425 by positioning elements independently in order to compensate for an uneven deck.

It is respectfully submitted that the Office Action cites no prior art teaching disclosing elements of a shuttle that are positionable independently of remaining elements of the shuttle along a respective leg, as required by claim 18. Since the Office Action has offered no teaching meeting a recitation of the claim, the allegation of obviousness is improper because the cited art does not teach every element of the claim.

Moreover, it is respectfully submitted that the Office Action appears to be engaging an impermissible hindsight reconstruction based on Applicant's own disclosure to arrive at the conclusion that such an independently positionable element would have been obvious based on a modification of Thomas '425.

Claim 9 depends from claim 8, and is therefore patentably distinguishable over the cited art for at least the same reasons.

New Claims 15 and 16

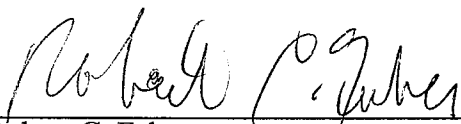
New claims 15 and 16 are added so as more fully to claim patentable aspects of Applicant's invention. New claims 15 and 16 are fully supported by Applicant's disclosure see, for example, Figs. 8a and 9a-9j of the Drawings and Specification, page 12, line 16-page 16, line 37 with respect to claim 15, and Figs. 8c-8h of the Drawings and Specification, page 12, line 16-page 14, line 35 with respect to claim 16.

New claims 15 and 16 depend from claim 1, and are therefore patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims of the present application are respectfully requested.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON December 29, 2010



Robert C. Faber
Registration No.: 24,322
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

RCF:GB/jl